

FLATHEAD COUNTY PLANNING AND ZONING
MAJOR LAND USE PERMIT #FCMU-11-01
SUSAN SULLIVAN
MAY 25, 2011

A report to the Flathead County Planning Board and the Board of County Commissioners regarding a request for a Major Land Use Permit to establish two 'Guest Cabins' on a property within the Middle Canyon Region of the Canyon Area Land Use Regulatory System (CALURS).

This application will be heard at the Flathead County Planning Board meeting on Wednesday June 8, 2011, beginning at 6:00 PM, on the 2nd Floor in the Conference Room of the Earl Bennett Building in Kalispell. Documents pertaining to this application are available for public inspection at the Flathead County Planning and Zoning Office, located in the Earl Bennett Building at 1035 First Avenue West, Kalispell, Montana.

Application Review Updates

- **Land Use Advisory Committee/Council**

The proposed land use is located within the advisory jurisdiction of the Middle Canyon Land Use Advisory Committee (LUAC). The LUAC will hold a public meeting at 7:00 pm on May 31, 2011 at the West Glacier Fire Hall to review the proposed land use and make a recommendation to the Flathead County Planning Board. This space is reserved for a summary of the Committee's discussion and recommendation.

- **Planning Board**

The Flathead County Planning Board will hold a public hearing on the proposed land use on June 8, 2011 and make a recommendation to the Flathead County Board of Commissioners. This space is reserved for a summary of the Planning Board's discussion and recommendation.

- **Commission**

The Flathead County Board of Commissioners will review this proposal after the public hearing conducted by the Planning Board and prior to July 27, 2011 which is the end of the 60 day review period per Section 3.3 CALURS. This space is reserved for a summary of the Commissioner's discussion and decision.

A. APPLICANT

Susan Sullivan
P.O. Box 492
West Glacier, MT 59936

TECHNICAL ASSISTANCE

Sands Surveying
2 Village Loop
Kalispell, MT 59901

B. BACKGROUND INFORMATION

Location and Legal Description:

Located approximately 4 miles southwest of West Glacier at 5672 Blankenship Road, the subject property is legally described as Lot 5 Great Northern Hills Subdivision in Section 8, Township 31 North, Range 19W, P.M.M., Flathead County, Montana.



Figure 1: Location of subject property

Size of the Property:

The property is approximately 10.58 acres in size

Current Use:

The subject property is currently developed with a Bed and Breakfast which was previously reviewed and permitted as a 'Minor Land Use'. Situated in close proximity to Blankenship Bridge, the Flathead River, and Glacier National Park, the existing and proposed uses promote the tourist economy valued by the Canyon Area Land Use Regulatory System. While the proposed major land use would continue to support the summer and winter tourism industry in the area, the following review focused on how to best mitigate any environmental degradation and protect the unique natural resources present on the subject property as well as within the general Canyon area.

Nature of the Request:

The applicant is requesting a permit for two rental cabins on the subject property which would be implemented in separate time phases. Already situated in place on the property, but not yet connected to water and sewer utilities, the cabins are not currently being used for their intended purpose of rental cabins.

The applicant estimates a maximum capacity of eight people in the cabins at one time. While both cabins would share a new proposed septic system to be located to the rear of the cabins, Cabin 1 would share a connection to the existing well which serves the Bed and Breakfast and Cabin 2 would be connected to a new well to be drilled in a location indicated on the DEQ/environmental lot layout included with the submitted 'Information Sheet For Re-Write Lot 5 Great Northern Hills'.

Existing Zoning:

The property is zoned Middle Canyon in the Canyon Area Zoning District, and is governed by the Canyon Area Land Use Regulatory System (CALURS). Section 6.2(C)(2) CALURS classifies 'Guest Cabins' as a 'Major Land Use' requiring a Major Land Use Permit.

Section 7.13 CALURS defines Guest Cabin as *"A small detached dwelling unit that is rented for temporary occupancy much like a motel unit. Denotes a log cabin or rustic wood-type appearance that may include kitchen facilities and generally 1 or 2 bedrooms."*

Agency Comment:

Requests for comments from agencies were sent on May 11, 2011. As of the date of this report, comments have been received from the following agencies:

- Environmental Health Services
 - No outstanding concerns regarding the proposal
 - Facility must license through the Food and Consumer Safety Section of the Montana Department of Public Health and Human Services as a public accommodation operating as a hotel
- Department of Energy, Bonneville Power Administration
 - Proposal will not impact any transmission line corridors in the area
- Flathead County Road and Bridge Department
 - No comments on the request
- Flathead County Weed Control District
 - St. Johnswort weed was noted on site. The applicant has been provided guidelines for weed management and should complete a Soil Disturbance-Invasive Weed Management Plan.
- Flathead County Solid Waste District
 - The facility should not use the Coram green-box site as the primary method for solid waste disposal, but instead should contract with Evergreen Disposal.

Relevant comments will be discussed in the applicable sections. Additional agency comments received after the date of this report will be verbally summarized at the May 31, 2011 Middle Canyon LUAC and June 8, 2011 Planning Board hearings on this proposal.

Public Comment:

Adjoining property owners were notified by mail on May 16, 2011. As of the date of the completion of this staff report, no public comments have been received regarding the proposal. Any written public comment received after May 25, 2011 will be summarized verbally and entered into the public record during the Middle Canyon LUAC and/or Planning Board hearing. Anyone wishing to provide verbal public comment may do so in person at the Middle Canyon LUAC and/or Planning Board hearings.

Property and Proposal Description:**a) Surrounding land use:**

South: Middle Canyon, private undeveloped

North: Middle Canyon, USFS

East: Middle Canyon, private undeveloped

West: Middle Canyon, residential (Glacier Pines Subdivision)

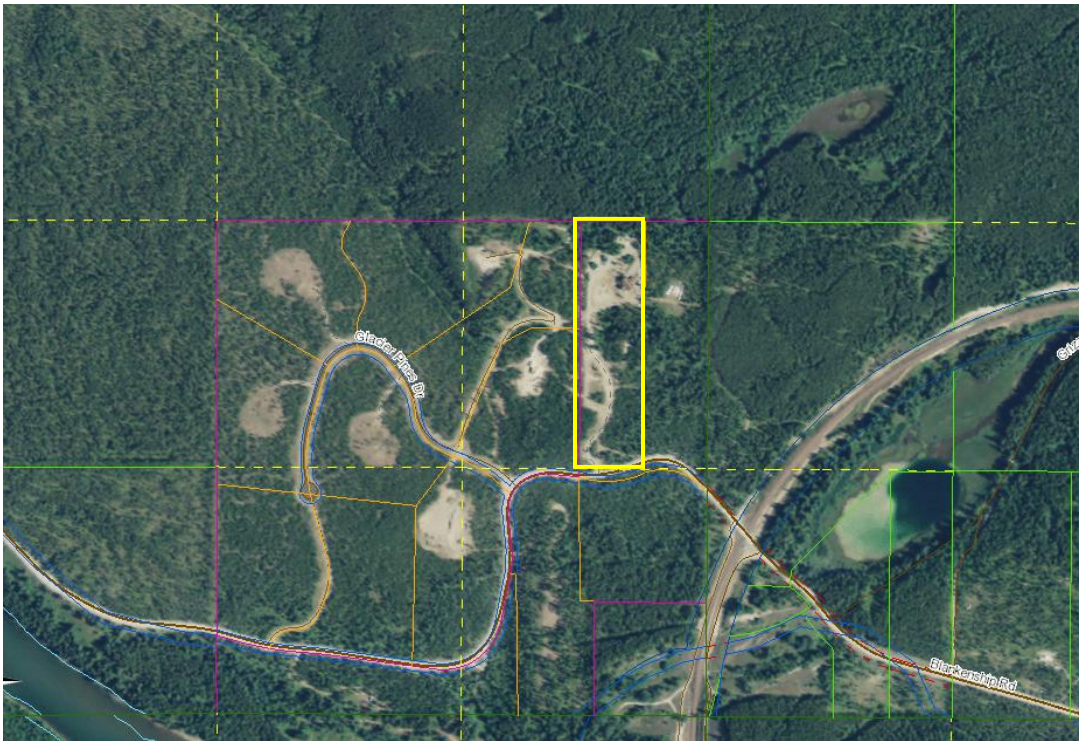


Figure 2: Subject property (yellow outline) and surrounding land use.

b) Dimension & shape of lot

A rectangular shaped tract just over ten acres in size, the subject property meets minimum lot size requirements for the Middle Canyon Region as found in Section 4.1.F(2) CALURS. As indicated on the submitted site plan the proposed Guest Cabins are situated more than 20 feet from property boundaries meeting general bulk and dimensional requirements for the Middle Canyon region.

c) Topographic features of lot

The subject property generally slopes up from the south to the north with an average slope of approximately 7% from the driveway approach off of Blankenship Road to the location of the proposed Guest Cabins. The cabin structures occur on terrain which is well within the allowable slope for a buildable area according to Section 4.1.F(12) CALURS.

d) Water courses, drainage & wetlands

The submitted site plan indicates an ephemeral stream and a natural basin/pond located downslope from the existing Bed and Breakfast. The stream channel was equipped with culverts during prior driveway/site development and the natural basin serves as a catchment for surface drainage on-site. There are no wetlands listed on the National Wetland Inventory located on the property. Further disturbance to the natural basin/pond is not anticipated.

e) Size, location and use of existing buildings, open space, etc.

The property is developed with the permitted Bed and Breakfast and the two cabin structures currently under review as guest rental cabins, which are not presently in use. According to the submitted site plan, the Bed and Breakfast has a footprint of approximately 2400 ft², Cabin 1 has a footprint of approximately 500 ft², and Cabin 2 has a footprint of approximately 900ft². Improvements on the property are accessed from Blankenship Road via a private gravel driveway situated within open space which constitutes the majority of the subject property.

- f) Size, location and use of proposed buildings, open space, etc.

The existing structures indicated on the site plan as Cabins 1 and 2 are proposed to be used as rental Guest Cabins. According to the submitted site plan Cabin 1 has a footprint of approximately 500 ft² and Cabin 2 has a footprint of approximately 900ft². The cabins are already located on site to the west of the Bed and Breakfast, and each cabin complies with the applicable 20 foot setback standards outlined in Section 4.1.F(9) CALURS.

C. EVALUATION OF THE REQUEST

The following is an evaluation of the applicable performance standards for a Major Land Use permit as established in Chapter 4 of the Canyon Area Land Use Regulatory System (Resolution No. 1049A).

A. OUTDOOR ADVERTISING

As indicated on the submitted application, the applicant anticipates a sign for the Bed and Breakfast and Guest Cabins at the entrance to the property. Any future signage for purposes of on-premises advertising would be required to comply with applicable sign standards outlined in CALURS 4.1.A.

B. ACCESS AND ROAD STANDARDS

1. Access to the property is from the gravel county road Blankenship Road via a private road/driveway that serves the existing Bed and Breakfast. Section 4.1.B CALURS requires access for commercial lots to comply with the Flathead County Subdivision Regulations, as applicable. The internal access road/driveway extending from Blankenship Road averages approximately 7% grade, complying with applicable slope standards of the Flathead County Subdivision Regulations (which defer the Flathead County Road and Bridge Department's *Minimum Standards for Design and Construction*).

As indicated on the submitted site plan, the existing gravel access road/driveway providing access to the proposed Guest Cabins and existing Bed and Breakfast includes a two-way portion approaching onto Blankenship Road which averages 24 feet in width and a separated one-way loop portion located at the upper elevation area of the property which averages 12-15 feet in width. This configuration appears acceptable as the road width and slope generally complies with applicable standards and the design allows for adequate ingress and egress for customers and emergency vehicles.

Access-related impacts anticipated from the proposed use would regard impacts to the local road network from the vehicle traffic generated by the proposed Guest Cabins which are anticipated to have a maximum capacity of eight guests per day (four guests per cabin). Although the Institute of Transportation Engineers 5th Edition trip generation manual does not include a type of land-use which is specific to the proposed use of 'Guest Cabins', the proposed major land use could be considered similar in to the manual's description of resort/hotel. Considering the trip estimates provided by the manual, discussion included in the application, fluctuations in seasonal occupancy, and the fact that each Guest Cabin would be rented as a single unit (i.e. one room as pertaining to calculation of trips generated), the proposed Guest Cabins combined are anticipated to generate only a few vehicle trips per day (i.e. between one and four trips per day), and the impact to the local road network is anticipated to be minimal.

2. The prior review of the Bed and Breakfast on the subject property acknowledged the change in use on the property from that of single-family residential to a commercial operation would result in an increase in vehicle trips per day, and the Minor Land Use approval (FCAP-09-05) included a required condition to obtain a new or revised approach permit specific to the Bed and Breakfast from the Flathead County Road and Bridge Department prior to commencing operation of the Bed and Breakfast operation. Staff inquiry with the Road and Bridge Department revealed the FCAP-09-05 requirement to obtain a new or revised

approach permit specific to the Bed and Breakfast has not been met as the only approach permit on file with the Department is #2294 dated August 9, 2005. Pursuant to Section 4.1.B (2) CALURS the applicant should be required to obtain a revised approach permit specific to the Guest Houses and the Bed and Breakfast from the Flathead County Road and Bridge Department prior to commencing operation of the Guest Cabins.

Finding #1

The proposed access to the Guest Cabins meets applicable design standards outlined in Section 4.1.B CALURS because the width and slope of the access road/driveway complies with applicable width and slope standards of the Flathead County Road and Bridge Department's *Minimum Standards for Design and Construction* manual.

Finding #2

The impacts on the transportation network would be acceptable because County maintained Blankenship Road provides primary access to the subject property and a revised approach permit would be required to be obtained from the Flathead County Road and Bridge Department.

C. SANITATION

The applicant does not wish to create public water and sewer systems, and plans to 'phase' in the addition of Guest Cabins to the public accommodations operations on the property. Both Guest Cabins would share a new proposed septic system to be located to the north of the cabins. For water, Cabin 1 is proposed to share a connection to the existing well which serves the Bed and Breakfast and Cabin 2 would be connected to a new well to be drilled in a location indicated on the DEQ/environmental lot layout included with the submitted 'Information Sheet For Re-Write Lot 5 Great Northern Hills'.

1. The existing Bed and Breakfast facility is currently licensed through the Food and Consumer Section of the Department of Public Health and Human Services, and the facility is connected to an approved septic system and water source. According to the Flathead City-County Public Health Department "the facility must license through Food and Consumer Safety as a public accommodation operating as a motel. The facility must operate in accordance with all pertinent Administrative Rules and the locally issued septic permit".

*Note: Although the facility would be licensed as a 'motel' for the purposes of licensing through the Food and Consumer Section of the Department of Public Health and Human Services, this Major Land Use Permit review has considered the proposed 'use' of 'Guest Cabins' as differentiated from 'motel' in regard to applicable CALURS zoning. Within the Middle Canyon Region of CALURS, new motels are permitted only within areas identified as a 'designated service center', and the location of the subject property is not within a 'designated service center' as defined by Section 7.9 CALURS.

2. According to Section 4.1.C(2) CALURS, solid waste is required to be disposed of in a manner that has been approved by the Flathead County Solid Waste director, whose comment indicated the development should use not use the Coram green-box site as the primary method for solid waste disposal, but instead should contract with Evergreen Disposal. The applicant indicates her intent to use 'contract haul' to haul solid waste from the property. The solid waste disposal site should be centrally located to serve the Guest Cabins and Bed and Breakfast, and the location and design of the waste storage containers should prevent the attraction of bears and other wildlife.
3. No livestock will be held on the property.

Finding #3

The proposed major land use will require review by Montana DEQ as well as the Flathead County Environmental Health Department because the proposal would establish a new shared septic system and a new well to be used for a commercial purpose.

Finding #4

According to comment provided by the Flathead City-County Public Health Department the facility is required to be licensed as a public accommodation operating as a 'motel' by the Food and Consumer Safety Section of the Montana Department of Public Health and Human Services. This Major Land Use Permit review has considered the proposed 'use' of 'Guest Cabins' and not 'Motel' in regard to applicable CALURS zoning, and a new 'motel' in regard to 'use' is not an allowable 'use' on the subject property because the location of the subject property is not within a 'designated service center' as defined by Section 7.9 CALURS.

D. FLOOD HAZARD

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 30029C1135G, the subject property is in Zone X. Zone X is areas determined to be outside the 0.2% annual chance floodplain. In other words, the subject property is not in the floodway, 100 year floodplain, or 500 year floodplain.

E. NATURAL RESOURCE PROTECTION

1. The submitted site plan indicates an ephemeral stream and a natural basin/pond located downslope from the proposed Guest Cabin structures. The stream channel was equipped with culverts during prior driveway/site development. There are no wetlands listed on the National Wetland Inventory located on the property. Further disturbance to the natural basin/pond is not anticipated.
2. The current configuration of the property was created in 2005 by the Subdivision Plat of Great Northern Hills after the 1994 adoption of CALURS. The subject property is not subject to this portion of the review as the subject property was not created from lands from sale, trade, or exchange of federal lands.
3. Some site disturbance to the ephemeral stream occurred due to past driveway development on the property. The Guest Cabin structures and related improvements are greater than 50 feet from any water body, wetland, or riparian area. The area of new disturbance will be less than one acre.
4. The application is not for a subdivision; therefore it is not subject to this portion of the review.
5. The natural drainage area of the ephemeral stream has not been blocked due to site development as the access road/driveway was designed and built with 12" culverts as shown on the submitted site plan.
6. The applicant has provided a site plan which includes location of retention basin storm water facility located on the south end of the property intended to manage runoff from the access road/driveway. As an aside, stormwater management is one of the elements being reviewed by MDEQ, and it is anticipated an MDEQ re-write approval will require adequate provisions for appropriate stormwater management.

Finding #5

The proposal complies with the applicable criteria for natural resource protection because there are no jurisdictional wetlands located on the property, drainage of the ephemeral stream located on site has not been blocked, and a storm water retention basin located on the south end of the property would manage runoff from impacting roads, neighboring properties and surface waters.

F. SITE DEVELOPMENT

1. The proposal is not within a designated community center; and therefore is not eligible for the 6,000 sq ft minimum lot size.
2. The subject property is the Middle Canyon Region and the subject property complies with the minimum lot size requirement of 10 acres.
3. The applicant is proposing a new individual well and a new shared septic system. As the subject property is approximately 10 acres in size, the proposal meets applicable bulk and dimensional requirements necessary to establish new structures requiring water or sewer.
4. The Guest Cabin structures are built less than 35 feet in height above established grade.
5. Electric and telephone utilities are already located on site, provided through the public access and utility easement of Blankenship Road.
6. No public improvements are proposed and the proposed water and sewer utilities are required to be designed and operated in accordance with all pertinent Administrative Rules and the locally issued septic permit.
7. Existing necessary utilities have been installed and placed underground, and the proposed well and septic system would be placed underground.
8. The Guest Cabin structures, access road/driveway, and parking area appear to have been designed and built to appropriately manage stormwater drainage. Stormwater runoff from the cabins will be addressed through infiltration in the surrounding gravel surfaces and natural vegetation, and runoff from the driveway will be channeled through sheet-flow and roadside swales toward the engineered retention basin. Storm water generated from improvements will not directly enter any water body.
9. The Guest Cabin structures do not intrude into the minimum setback areas from property lines or the road easement.
10. Section 6.03.030 Flathead County Zoning Regulations requires one parking space per guest room or suite plus one space per two employees of maximum shift for a hotels, motels, and cabins. The application indicates the Guest Cabins will be operated in conjunction with the Bed and Breakfast by family with no extra employees, and proposes six 9'X20' parking spaces to accommodate guests renting the cabins. The number of proposed parking spaces appears to comply with applicable requirements and the configuration of the parking would allow for adequate ingress/egress with effective traffic circulation.
11. The proposed development occurs on a tract of land located outside of a designated service center. The property has been logged and thinned, and significant area of forest remains in its natural state along the perimeter of the property. The portion remaining in its natural vegetative state is greater than 10% of the required setback area. The application indicates the owner's intent to maintain an adequate amount of vegetation on the property and the Guest Cabin structures are installed at least 50 feet from the property lines, well beyond minimum set-back requirements set forth by CALURS.
12. The proposed Guest Cabin structures and their associated improvements are not in areas with 25% or greater slope.
13. The proposed Guest Cabin structures don't extend above a ridge, hill, or elevated topography and are not visible from Highway 2.
14. Clustering is not applicable to this project as the proposal does not entail the division of land and creation of new lots.

15. The proposed use is outside a designated service center.

- a. The proposed Guest Cabin use is not visible from Highway 2. No additional landscaping or buffering is proposed or required as natural vegetation has been retained on the perimeter of the site.
- b. The proposed Guest Cabin use is not accessed from Highway 2 and it is therefore not required to pave the access road/driveway or parking area.

Finding #6

The proposal complies with the applicable criteria for site development because the property and proposed improvements meet or exceed applicable bulk and dimensional requirements, utilities currently serve the subject property, the site plan indicates adequate parking exists for the proposed use, additional signage would be regulated by CALURS performance standards, and adequate natural vegetation on the property provides sufficient screening of the use from adjacent properties and roadways.

G. PLANNED COMMUNITY

The proposed Bed and Breakfast use is not within the vicinity of a .75 mile radius around West Glacier and the 'planned community' portion of the regulation is not applicable to the request.

D. PERFORMANCE GUIDELINES

The performance guidelines in the CALURS system are not mandatory standards, but are suggested to be used whenever practical. The site of the proposed Guest Cabins appears to have been developed with minimal disturbance to the natural environment and in accord with the performance guidelines outlined in CALURS.

E. COMPLIANCE WITH THE APPLICABLE MAJOR LAND USE REVIEW PROCEDURE

1. Pre-application Conference – The purpose of the pre-application conference is to ensure the applicant understands the review process required for the requested use. A formal pre-application meeting occurred on March 31, 2011.
2. Application Date - March 9, 2011
3. Review & Evaluation - Pursuant to Chapter 3 Application of Development Regulations Section 3.3.B (3), staff must complete a review of a major land use application for compliance or deviation with the Performance Standards and Performance Guidelines, and the public review and a decision on the proposed land use change must be completed by July 27, 2011. Staff review and evaluation were completed on May 24, 2011.

F. SUMMARY OF FINDINGS

1. The proposed access to the Guest Cabins meets applicable design standards outlined in Section 4.1.B CALURS because the width and slope of the access road/driveway complies with applicable width and slope standards of the Flathead County Road and Bridge Department's *Minimum Standards for Design and Construction* manual.
2. The impacts on the transportation network would be acceptable because County maintained Blankenship Road provides primary access to the subject property and a revised approach permit would be required to be obtained from the Flathead County Road and Bridge Department.
3. The proposed major land use will require review by Montana DEQ as well as the Flathead County Environmental Health Department because the proposal would establish a new shared septic system and a new well to be used for a commercial purpose, and because the facility is required to meet standards set forth by the Food and Consumer Safety Section of the Montana Department of Public Health and Human Services.

4. According to comment provided by the Flathead City-County Public Health Department the facility is required to be licensed as a public accommodation operating as a 'motel' by the Food and Consumer Safety Section of the Montana Department of Public Health and Human Services. This Major Land Use Permit review has considered the proposed 'use' of 'Guest Cabins' and not 'Motel' in regard to applicable CALURS zoning, and a new 'motel' in regard to 'use' is not an allowable 'use' on the subject property because the location of the subject property is not within a 'designated service center' as defined by Section 7.9 CALURS.
5. The proposal complies with the applicable criteria for natural resource protection because there are no jurisdictional wetlands located on the property, drainage of the ephemeral stream located on site has not been blocked, and a storm water retention basin located on the south end of the property would manage runoff from impacting roads, neighboring properties and surface waters.
6. The proposal complies with the applicable criteria for site development because the property and proposed improvements meet or exceed applicable bulk and dimensional requirements, utilities currently serve the subject property, the site plan indicates adequate parking exists for the proposed use, additional signage would be regulated by CALURS performance standards, and adequate natural vegetation on the property provides sufficient screening of the use from adjacent properties and roadways.

G. CONCLUSION

In accordance with the provisions of Chapter 3of the Canyon Area Land Use Regulatory System (CALURS), a review and evaluation of the Major Land Use application for 'Guest Cabins' has been completed by the staff of the Planning Board. The proposal appears to generally comply with the applicable criteria found in Chapters 4 and 5 of CALURS, pursuant to Findings of Fact stated above. Should the Planning Board forward a recommendation of approval of this proposed land use to the Flathead County Commissioners, the following conditions should be considered to supplement that recommendation.

H. CONDITIONS

1. The occupancy of the two Guest Cabins shall be no more than 8 people combined at one time.
2. The proposed water and sewage treatment systems and storm drainage systems for the major land use proposal shall be reviewed by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. The written approval(s) shall be available to the Flathead County Planning and Zoning Office upon request.
3. The applicant shall obtain an approved Public Accommodations License as a 'motel' from the Montana Department of Public Health and Human Services prior to commencing operation and rentals of the Guest Cabins. The written approval must be available to the Flathead County Planning and Zoning Office upon request.
4. The applicant shall obtain a commercial building permit and a commercial electric permit, as applicable, from the Building Codes Bureau of the Montana Department of Labor and Industry Business Standards Division. The permits shall be available to the Flathead County Planning and Zoning Office upon request.
5. The applicant must obtain a new or revised approach permit specific to the Guest Cabins and the Bed and Breakfast from the Flathead County Road and Bridge Department. The approved permit must be available to the Flathead County Planning and Zoning Office upon request.
6. Any new electrical and telephone utilities shall be extended underground.
7. All present and future signage shall meet the requirements set forth in CALURS Section 4.1.A.

8. Solid Waste removal shall be provided by a contracted solid waste hauler, and all trash shall be secured within an enclosed structure prior to disposal.
9. A 50-foot vegetative buffer shall be maintained between any structure and the nearest property line.
10. The design of the proposed use shall be substantially similar to the site plan on file for this application submitted to the Flathead County Planning and Zoning Office April 1, 2011.